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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/756,129

01/13/2004

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AUS920031036US1

3162

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7590

01/05/2009

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EXAMINER

BAROT, BHARAT

ART UNIT

PAPER NUMBER

2455

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/756,129	Applicant(s) MALCOLM ET AL.	
	Examiner Bharat N. Barot	Art Unit 2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 1-12 and 31-33; and new claims 34-36 remain for further examination.

The old rejection maintained

2. Applicant's arguments with respect to claims 1-12 and 31-36 filed on October 09, 2008 have been fully considered but they are not deemed to be persuasive for the claims 1-12 and 31-36. The rejection is respectfully maintained as set forth in the last Office Action mailed on July 09, 2008.

Claim Rejections - 35 USC § 103(a)

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-12 and 31-36 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Pinard et al (U.S. Patent No. 6,526,042) in view of Ludwig et al (U.S. Patent No. 5,617,539).
5. As to claim 1, Pinard et al teach a method comprising: receiving information associated with an initiated telephone call that has been placed by a first party to a second party; and allocating a storage space that is accessible by at least the first party and the second party based on at least a portion of the received information (see abstract; figure 1; and column 1 line 64 to column 2 line 44).

However, Pinard et al do not teach that allowing at least one of the first party and second party to provide electronic information intended for the other party using the storage space.

Ludwig et al a method comprising: allowing at least one of the first party and second party to provide electronic information intended for the other party using the storage space (figures 31A-C; and column 30 line 35 to column 33 line 45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Ludwig et al stated above in the method of Pinard et al because it would have improved a distributed multimedia collaboration environment that achieved the benefits of one-to-one collaboration (more efficient and reliable audio/video conference system).

6. As to claim 2, Pinard et al teach that allocating the storage space associated with a server on the Internet (figure 1; and column 1 line 64 to column 3 line 2).

7. As to claim 3, Pinard et al teach that receiving at least one of information associated with a name of a calling party, information associated with a name of a called party, information associated with a telephone number from which the telephone call originates, information associated with a telephone number to which the telephone call is made, information associated with a time of the telephone call, and information associated with a date of the telephone call (column 2 lines 39-63).

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8. As to claims 4-5, Ludwig et al teach that defining an electronic folder for each telephone call made by at least one of the first party and the second party, wherein each electronic folder is adapted to store electronic information that is exchanged by the first and second party during that call; and allowing the second party to provide electronic information intended for the first party using the storage space (figures 31A-C; and column 30 line 35 to column 33 line 45).

9. As to claims 6-7, Ludwig et al teach that determining if at least one of the first party and second party is authorized to access the storage space and wherein the act of allocating the storage space comprises allocating the storage space based on determining that at least one of the first party and second party is authorized to access the storage space (figures 29-30; and column 28 line 20 to column 29 line 38); and suggest that determining if at least one of the first party and the second party is on a call block list and determining if at least one of the first party and the second party is a subscriber (figures 3 and 21; and column 20 line 5 to column 21 line 45).

10. As to claim 8, Pinard et al teach that the telephone call is managed by a service provider, and wherein receiving the information comprises at least one of receiving the information provided by the service provider and accessing caller identification information associated with the telephone call (figure 1; and column 1 line 64 to column 3 line 2).

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11. As to claim 9, Ludwig et al teach that the telephone call is a conference call, and wherein the act of receiving comprises receiving the information associated with the conference call involving the first party, the second party, and a third party (column 24 line 18 to column 26 line 30; and column 37 line 48 to column 38 line 15).

12. As to claim 10, Ludwig et al teach that creating an electronic folder associated with each of the first party and the second party and further associating the two electronic folders with each other (column 33 line 48 to column 35 line 46).

13. As to claim 11, Ludwig et al teach that allowing at least one of the parties to provide at least one of a text file, a graphics file, a video file, an audio file, and a multimedia file (figures 29-30; column 8 lines 40-53; and column 27 line 61 to column 29 line 38).

14. As to claim 12, Pinard et al teach that the storage space is associated with a remotely located server, and allowing the first party to upload an electronic file to the storage space by at least one of dragging and dropping the electronic file in a selected window and transferring the electronic file using a desirable file transfer protocol (see abstract; figure 1; and column 1 line 64 to column 3 line 2).

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15. As to claims 31-33, above remarks rejecting claim 1 equally apply here.

Additionally, Ludwig et al teach that accessing the storage space comprises gaining access to a sever by providing login information and accessing an electronic folder to which both the first party and the second party have access (figures 23 and 31s; column 21 line 48 to column 23 line 52; and column 30 line 35 to column 33 line 45).

16. As to claim 34, Ludwig et al teach that allocating the storage space associated with a server on the Internet, and the storage space is accessible by at least the first party and the second party; defining an electronic folder, the electronic folder is adapted to store one or more electronic files that are exchanged by the first and second party during that call; allowing the second party to provide one or more electronic files intended for the first party using the storage space and allowing the first party to provide one or more electronic files intended for the second party; the telephone call is managed by a service provider, and receiving the information comprises at least one of receiving the information provided by the service provider and accessing caller identification information associated with the telephone call (figures 1 and 31s; and column 30 line 35 to column 34 lines 18).

17. As to claim 35, Ludwig et al teach that the first party and the second party each subscribe to a service that allocates the storage space, and allocating dynamically in response to determining that the first and second parties are authorized subscribers (column 21 line 5 to column 24 line 15).

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18. As to claim 36, Ludwig et al teach that the exchange is allowed by a service provider, and at least the first party and the second party are service subscribers but not the third party, and wherein the exchange is allowed by the service to those parties of the conference call that are subscribers of the service provider (column 24 line 17 to column 28 line 17).

Response to Arguments

19. Applicant's arguments with respect to claims 1-12 and 31-36 filed on October 09, 2008 have been fully considered but they are not deemed to be persuasive for the claims 1-12 and 31-36.

In the remarks, the applicant argues that:

(A) Argument: Examiner has failed to establish a prima facie case of obviousness and not shown that there is some suggestion or motivation to modify reference.

Response: In response to applicant's argument that examiner has failed to establish a prima facie case of obviousness, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F2d 413, 208 USPQ 871 (CCPA 1981). Therefore, the combination of the Pinard and Ludwig explicitly teaches and suggest the features of claims 1 and 31.

Pinard et al do not teach that allowing at least one of the first party and second party to provide electronic information intended for the other party using the storage space. Ludwig et al a method comprising: allowing at least one of the first party and second party to provide electronic information intended for the other party using the storage space (figures 31A-C; and column 30 line 35 to column 33 line 45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Ludwig et al stated above in the method of Pinard et al because it would have improved a distributed multimedia collaboration environment that achieved the benefits of one-to-one collaboration (more efficient and reliable audio/video conference system).

(B) Argument: Pinard does not teach the claimed feature of receiving information associated with an initiated telephone call that has been placed by a first party to a second party.

Response: Pinard explicitly teaches that receiving information associated with an initiated telephone call that has been placed by a first party to a second party (column 2 line 39 to column 3 line 44).

(C) Argument: Pinard and Ludwig, either alone or in combination, also fail to teach the claimed feature of allocating a storage space that is accessible by at least the first party and the second party based on at least a portion of the received information.

Response: Pinard et al explicitly teach that allocating a storage space that is accessible by at least the first party and the second party based on at least a portion of the received information (see abstract; figure 1; and column 1 line 64 to column 2 line 44).

(D) Argument: Claims 8 and 10 are also allowable based on the claimed feature.

Response: Pinard et al teach that the telephone call is managed by a service provider, and receiving the information comprises at least one of receiving the information provided by the service provider and accessing caller identification information associated with the telephone call (figure 1; and column 1 line 64 to column 3 line 2). Ludwig et al teach that creating an electronic folder associated with each of the first party and the second party and further associating the two electronic folders with each other (column 33 line 48 to column 35 line 46).

20. Applicant's arguments with respect to the claims 34-36 have been fully considered, and the examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action (see rejection of the claims 34-36).

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2455

December 23, 2008